

MONTANA JUDICIAL BRANCH BUDGET

Prepared by Office of Court Administrator

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The Judicial Branch's responses to the core questions identified by the legislative leadership follow:

- ***What does the Branch want to accomplish in the next biennium?***
 - ***Briefly describe the major accomplishments the Branch wants to achieve in the next biennium. This should include what the accomplishments are and what citizen group will benefit.***

The Judicial Branch seeks to protect the rights and liberties guaranteed by the constitution and laws of the United States and the state of Montana, ensure equal access to the courts for all Montanans, and provide impartial and timely resolution to all matters brought before the courts. Every citizen benefits from achieving this goal.

The Branch requests funding to maintain services at current levels, including the three new District Court judges and their staff approved by the 2009 Legislature. The Branch also requests continued funding for the Court Help Program, which provides tools to assist people who do not have attorneys navigate their way through the legal process in civil matters. To date, over 12,000 Montana citizens and businesses have used this program.

- ***What was the Branch's thought process behind developing this budget?***
 - ***The legislature would like to hear the philosophy behind the development of the budget.***

Mindful of the need to do its fair share in responding to the state's financial problems, the Judicial Branch sought to reduce expenditures without neglecting its constitutional and statutory duties. To that end, the Branch implemented a series of cost-savings measures to reduce expenditures by \$2.2 million this biennium. The Branch voluntarily cut an additional \$594,523 in response to the Governor's request for further budget reductions.

In developing the budget, the Judicial Branch sought to maintain funding for existing positions and programs at the reduced base year expenditure level. Given the fragile economy, the Branch put on hold funding requests for expanded or new programs.

- ***What challenges did the Branch face in budget development?***
 - ***Describe the challenges, such as balancing needs of multiple programs, dealing with citizen expectations, addressing the impacts of the economy, and determining how program goals would be achieved.***

The most challenging exercise was developing the proposed 5% base budget reduction plan as required by statute. Because of the expenditure reductions made this biennium, the Branch's budget is very lean. To achieve an additional 5% reduction, the Branch was forced to propose elimination of positions that provide support to judges plus cut funding for programs such as drug courts. Implementing the proposed plan will impede the work of the courts. District Court judges will be forced to address only those priority matters established by law. Civil cases, such as business disputes, will be further delayed.

- ***What obstacles might the Branch encounter in the next biennium?***
 - ***In the current budget, describe the potential, but realistic, obstacles toward meeting the Branch's mission.***

Implementing the 5% reduction plan will slow the processing of court cases. The loss of 12 positions will shift job duties previously performed by these positions to remaining staff. In some cases, judges will need to absorb the workload, reducing the amount of time spent on the bench. Backlogs will develop or grow in many courts, particularly in urban areas of the state. Montanans will be forced to wait longer for a court date as business disputes, divorces, debt collection, property issues, and other types of civil cases are pushed farther out on the judges' calendars.

- ***Which citizen groups will be affected by this budget and how?***
 - ***Describe potential outcomes for citizens. For example: regulated industry could face a delay in obtaining permits, or fewer low income families will receive day care subsidies.***

All citizens are affected – directly or indirectly -- by the Judicial Branch budget, which provides the financial support needed by the courts to meet their constitutional duties. The Branch believes that the budget submitted to the Legislature – excluding the 5% proposed reduction plan – will permit the courts to operate without severely curtailing services to the public. However, if the proposed 5% reduction plan is implemented, the backlog of cases in many courts will strand citizens in legal limbo as they await their day in court. Civil cases, such as property and contract disputes, will be delayed significantly, especially in more urban judicial districts.